

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

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UNITED STATES OF AMERICA)

v.)

JERRY WAYNE GUY, III,)

Defendant.)

CASE NO. CR514-009


O R D E R

Before the Court is Defendant Jerry Wayne Guy III's Motion for Sealed Sentencing Document. (Doc. 89.) In his motion, Defendant requests a copy of the Presentence Investigation Report ("PSI") (Doc. 65) in this action. (Id. at 1.) According to Defendant, the purpose of his request is to be "aware of all documents concerning my case" as he is "currently trying to fight my case." (Id.)

Absent a pending motion seeking habeas relief, a prisoner is generally not entitled to copies of court records at the government's expense. United States v. Warmus, 151 F. App'x 783, 787 (11th Cir. 2005) (quoting United States v. Herrera, 474 F.2d 1049, 1049 (5th Cir. 1973)). Defendant filed a Motion to Vacate pursuant to 28 U.S.C. § 2255 on September 22, 2016. (Doc. 77.) The Magistrate Judge issued a report and recommendation on March 15, 2018, recommending dismissal of Defendant's

motion due to Defendant's failure to prosecute the action and failure to comply with the Court's directives. (Doc. 85 at 1.) This Court adopted the report and recommendation on May 29, 2018 and dismissed without prejudice Defendant's Motion to Vacate. (Doc. 87.) Defendant has not taken any action to contest this Court's dismissal of his motion to vacate. Because Defendant has failed to show any particularized need for the record in this case, he is not entitled to have the associated costs waived by the Court. Accordingly, Defendant's request is **DENIED**.

SO ORDERED this 2nd day of May 2019.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA